



# **2003 State Summary**

## **Legislation Affecting Older Adults**



GOVERNOR'S ADVISORY COUNCIL ON AGING



AREA AGENCY ON AGING  
REGION ONE, INCORPORATED

William E. Morris Institute of Justice

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## COMPARISON OF SELECTED BUDGET ISSUES

### Health

Issues	Purpose	Governor's Proposal	Budget, as enacted
<b>KidsCare</b>	Provides health insurance to uninsured children where the household income is below 200% FPL.  Families with incomes over 150% FPL required to pay up to \$20/month in premium & no co-payments.	Total funding is \$84.1 M (\$19.3 M in tobacco tax funds & \$68.4 M in federal funds)	\$15.4 M in general funds & about \$46 M in federal funds.  <b>Imposes</b> an application fee, a monthly premium, & co-payments for office visits, medications, etc.  <b>Eliminated</b> restrictions on outreach efforts.
<b>KidsCare Parents (HIFA)</b>	Provides health insurance to working parents with children participating in KidsCare.  Currently serves 9,400 parents. Projected to serve 21,000 next FY.	\$93.1 M in total funds (\$15.3 M in tobacco tax & \$77.8 M in federal funds)	<b>Maintains</b> the program. <b>Imposes</b> new co-payment requirements.  <b>Sunsets</b> the program at beginning of FY 2005.
<b>Redetermination Period</b>	Currently families apply on an annual basis for health care coverage. Proposal is to require redeterminations every 6 months.	Governor maintains the redetermination period of 12 months	<b>Requires</b> redetermination <i>every 6 months</i> . Projected savings of \$5.6 M in general funds & \$17.1 M in other funds. In addition, 157 FTEs loss increasing delays in interviews & risk of error rate increase.
<b>Co-payments</b>	Title XIX patients pay \$5 for non-ER use, \$5 for non-ER surgery & \$1 for office visits, lab work, etc. Federal law prohibits monthly premiums on Title XIX populations. A waiver will be required.	Governor does not impose additional premiums or co-payments.	<b>Imposes</b> a co-payment on KidsCare kids & parents & on Prop 204 populations.  <b>Exempts</b> AHCCCS from rulemaking for 2 years.  <i>Details to be made available on separate document from William E. Morris Institute of Justice.</i>
<b>Adult dental care</b>	Provides emergency dental care for adult Title XIX population. Serves about 19,000 individuals. Few alternative resources in the community	Governor maintains the services	<del><b>Eliminates</b> the service which saves \$1.2 M &amp; a resultant loss of \$2.4 M federal funds.</del>  <b>Governor's</b> line item vetoes results in this service being retained.
<b>Breast &amp; Cervical Cancer</b>	Program authorized last year to serve women under 250% FPL who need treatment after diagnosis. Serves 26 clients currently.	Governor maintains the services	<b>Retains</b> the program.

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### Health (continued)

<b>Ticket to Work Program</b>	New program serving 83 clients who are disabled who desire to work but would lose Title XIX eligibility.	Governor reduces funding by \$17,700 due to lowered participation.	<b>Retains</b> the program.
<b>Young Adult Transitional Insurance</b>	New program provides health insurance to youth aging out of foster care until age 21. Program currently serves 100 youth.	Governor maintains the program	<b>Retains</b> the program.
<b>Health Start</b>	Links low-income pregnant women to prenatal care & supports. Dedicated funding from tobacco settlement which expires this year.	Governor provides \$2.2 M in general fund	<b>Eliminates</b> the program.  <i>There is expectation there will be enough unexpended funds to maintain program.</i>
<b>Vaccines</b>	Promotes childhood immunizations & buys vaccine from the federal gov't.	Governor provides \$4.4 M in GF of which is \$1.6 M for high risk & under insured children	<b>Reduces</b> program by \$1.5 M.  <b>Governor</b> line item vetoes language that diminishes funding for vaccines.
<b>High Risk Perinatal Program</b>	Serves 9,800 high risk women & infants with transportation & newborn intensive care.	Governor maintains the program.	<b>Retains</b> the program.
<b>Suicide Prevention Program</b>	Includes 2 FTE positions to coordinate the state's suicide prevention activities.	Governor maintains the program	<b>Eliminates</b> program funding for this next fiscal year saving \$120,000. Program is NOT repealed.
<b>Nutrition Services</b>	Screening, education, counseling, referrals to persons identified as needing nutrition services for counties participating. Program Serves 6,100 children.	Governor maintains the program.	<b>Reduces</b> funding to \$36,700.
<b>AIDS Drug Assistance Program</b>	Funds medications for uninsured or low-income persons with HIV. Serves about 1,000 individuals.	Governor maintains the program.	<b>Retains</b> funding for the program. \$1M
<b>Primary Care Programs</b>	Expanding primary care services to uninsured population. 121 service sites & 43,800 encounters.	Governor maintains the program.	<b>Retains</b> program but fund it totally from General Funds not Tobacco Tax funds.

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## Health (continued)

<b>Community Health Centers</b>	Grant program to health centers that serve uninsured population. 38 service sites of which 20 are the only resource in the community & 97,600 encounters.	Governor maintains the program.	<b>Retains</b> program but fund it totally from General Funds not Tobacco Tax funds.
<b>Psychotropic Medications</b>	Provides funding for medications. Program serves 5,400 individuals	Governor maintains the program	<b>Retains</b> funding but shifts to General Fund not Reduces Tobacco Tax funds.
<b>General Mental Health &amp; Non-XIX SMI*</b>	Provides funding for mental health treatment for adults who not SMI & not Title XIX eligible. 380 non-XIX SMI served by program & 2,250 general mental health clients served.	Governor maintains the program.	<b>Reduces</b> program for SMI by \$3 M.  <b>Governor</b> line item vetoed lump sum reductions to DHS. Estimated savings of \$12.5 M will be redirected to Behavioral Health & SMI services.
<b>Abstinence Program</b>	New program created by leadership.	Not addressed.	<del><b>Allocates</b> \$670,000 from Lottery Funds &amp; DHS adm for program on permanent basis.</del>  <b>Governor</b> line item vetoes this funding.
<b>Healthy Families</b>	Service children under 5 & family members to prevent child abuse or neglect & promote child development & wellness. Program serves 1,400-2,000 each year.	Governor maintains the program.	<b>Retains</b> program. Funding is totally from TANF.

## Welfare

Issue	Purpose	Governor's Proposal	Budget, as enacted
<b>Families First</b>	Funds substance abuse services for parents/ guardians where substance abuse is barrier to preserving the family. Serves 800-1,450 clients	Governor maintains the program.	<b>Reduces</b> funding by \$500,000.
<b>Homeless Youth Intervention</b>	Assists homeless youth with services provided by community and faith-based organizations. Serves 161 youth.	Governor maintains the program.	<b>Retains</b> the program.

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## Welfare (continued)

<b>Family Builders</b>	Community based providers offering support services to families after CPS referral if no immediate danger identified. 2,562 families served.	Governor maintains the program.	<b>Retains</b> the program but program reduced by \$1 M.
<b>DES Lump Sum Reductions</b>	Various administrative cuts.	Not applicable.	<del>Cuts \$15.9 M from DES through lump sum reduction and FMAP.</del>  <b>Governor</b> line item vetoes these items with funds directed for children's services.
<b>Coordinated Hunger Funding</b>	Funds Rural Food Bank Project, transportation costs for food distribution & Food Bank Assistance Project. Distributed 95M pounds of food & served 50,000 meals.	Governor maintains the program.	<b>Retains</b> the program from both General and TANF funds.
<b>Domestic Violence Prevention</b>	Funds shelter & supportive services to domestic violence victims. Reduction is a 21% decrease in available beds.	Governor maintains the program.	<b>Retains</b> program funding.
<b>Utility Assistance</b>	Provides assistance with utility bills for low-income clients.	Governor maintains the program.	<b>Decreases</b> \$500,000 in TANF & appropriates \$500,000 in Utility Assistance Fund with language to accommodate differences.
<b>General Assistance</b>	Assists persons who are unemployable because of a physical or mental disability & awaiting SSI/SSDI determination. Program serves 2,600 clients.	Governor maintains the program.	<b>Retains</b> the program, but allows the Department to impose waiting list if there is insufficient funding.
<b>Adult Services</b>	Provides an array of services to elderly persons to remain at home. Impacts 2,240 clients. 30% of the caseload	Governor maintains the program.	<b>Retains</b> the funding for the program.



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## Health continued

<b>Adult Services*</b>	Provides funding for ombudsman to support local AAAs ability to visit nursing home residents.	Governor maintains the program.	<p><b><i>Eliminates</i></b> funding for program.</p> <p><i>There is expectation there will be funds redirected within DES to maintain the program for next year at the reduced level of \$220,000.</i></p>
<b>Institutional SPP</b>	Provides payment of \$50/month to SSI about 340 recipients living in facilities supervisory care, adult foster care homes or other similar settings.	Governor maintains the program.	<b><i>Eliminates</i></b> funding for the program for the next fiscal year. The program is NOT repealed.
<b>Information &amp; Referral</b>	Provides information & referral services 24 hour toll free statewide.	Governor maintains the program. Shifts funding to DES administration without any reductions.	<b><i>Retains</i></b> the funding for the program.
<b>Homeless Program</b>	Includes homeless planning & coordination activities & funds distributing to community based organizations providing services for the homeless & near homeless. Reduction would impact 5,800 people	Governor maintains the program.	<b><i>Retains</i></b> the program without any shift to Housing Trust Fund.
<b>Work-related Transportation</b>	Transportation services to assist TANF recipients in finding & sustaining employment. 5,600 clients served	Governor maintains the program.	<b><i>Reduces</i></b> TANF by \$3 M.
<b>Issue</b>	<b>Purpose</b>	<b>Governor's Proposal</b>	<b>Budget, as enacted</b>
<b>Low-income Family Child Care</b>	Subsidizes child care for families up to 165% FPL. Serves 13,500 children	Governor maintains the program.	<p><b><i>Retains</i></b> the program.</p> <p><i>Allows</i> DES to reduce eligibility level to remain in budget.</p> <p><b><i>Reduces</i></b> overall program funding by \$10.1M.</p>
<b>Eliminates 2nd Year of Transitional Child Care</b>	Child care provided for 2nd year after families leaves welfare. Program serves 3,100 children	Governor maintains the program & increases by \$2 M.	<p><b><i>Retains</i></b> the program.</p> <p><i>Allows</i> DES to reduce eligibility level to remain in budget.</p> <p><b><i>Reduces</i></b> overall program funding by \$10.1M.</p>

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## Welfare (continued)

<b>Summer Youth Program</b>	Funds summer youth employment, education & gang prevention programs for youth & economically disadvantaged areas.	Governor maintains the program.	<b><i>Retains</i></b> the program. Does not eliminate funding to cities/counties.
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## Education

Issue	Purpose	Governor's Proposal	Budget, as enacted
<b>Family Literacy</b>	Increases the basic academic & literacy skills of undereducated low-income parents and their preschool children. Serves 400 families at 23 sites.	Governor maintains the program	<b><i>Retains</i></b> the program.
<b>Early Childhood Block Grant</b>	Provides funds to school districts, charter schools & preschools to improve academic achievement of pupils in preschool to grade 3. 254 school districts participate.	Governor maintains the program	<b><i>Retains</i></b> the program.
<b>Adult Education</b>	Supports adult education programs in schools, community colleges & community-based agencies.	Governor maintains the program.	<b><i>Retains</i></b> the program.

## Housing

Issue	Purpose	Governor's Proposal	Budget, as enacted
<b>Housing Trust Fund</b>	Funds projects & pro-grams providing housing for low & moderate income households.	Governor maintains the program.	<del><b><i>Reduces</i></b> Housing Trust Fund by \$2.5 M with funds shifted to the General Fund from the Unclaimed Property fund on a permanent basis.</del>  <b><i>Governor</i></b> line item vetoed this transfer.

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### BUDGET

**HB2391**                      **AHCCCS contractor insurance tax**  
**Chapter 136**

**Effective Date**

**Summary**                      This law eliminates the Arizona Health Care Cost Containment System health plans and program contractors' exemption to the two per cent premium tax, beginning October 1, 2003.

**Major Provision**              Estimates the first-year total tax at \$70.9 million, per the legislative fact sheet. If the payments by AHCCCS to the contractors are increased to reflect the tax the health plans and program contractors now are required to pay, most of the increase will be paid by the federal government. Basically, the federal government pays Arizona \$2 for every \$1 the state pays for these programs. At the two-thirds reimbursement rate, a \$70.9 million tax would mean \$47.3 million in additional federal payments (two-thirds of \$70.9 million) to the state.

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### CONSUMER

**SB1049**                      **Mobile home parks**  
**Chapter 234**

**Effective Date**

**Summary**                      This law makes major changes to the Mobile Home Landlord Tenant Act in regard to conditions for removing mobile homes from mobile home parks, receiving funds from the Mobile Home Relocation Fund and requirements for continuous tenancy in a mobile home park.

**Major Provisions**              Prohibits a landlord from requiring removal of a mobile home, upon its sale, based solely on the age of the home, if the home was manufactured after June 1976, but allows a landlord to prohibit a mobile home from being moved into their park based on its age.

Allows a landlord to require a new tenant who buys an existing mobile home in a park to replace siding and skirting on a mobile home, if those changes will significantly change or improve the appearance of the mobile home.

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### CONSUMER (continued)

Prohibits a tenant from removing a mobile home, unless the person has a written statement from the landlord that all rent is paid or that the landlord, and that person or entity have agreed to the removal.

Allows tenants to collect payment from the mobile home relocation fund when there is a change in use or redevelopment of the mobile home park. The amount is the lesser of the actual moving expenses of relocating the mobile home to a new location that is:

- Within a fifty mile radius of the vacated mobile home park, or
- Five thousand dollars for a single section mobile home; or
- Ten thousand dollars for a multi-section mobile home.

Allows a tenant to abandon a mobile home in the mobile home park and collect an amount equal to one-fourth of the maximum allowable moving expense for that mobile home. The monies are collected from the mobile home relocation fund after meeting certain conditions.

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#### **SB1119 Chapter 237**

#### **Telemarketing; Arizona no call list**

##### **Effective Date**

##### **Summary**

This law extends the federal Do Not Call Implementation Act to interstate and some Intrastate telemarketing calls to Arizonans.

##### **Major Provisions**

When initiating an Interstate telephone solicitation, a seller or solicitor cannot call an Arizona consumer if that consumer's telephone number is entered in the national Do-Not-Call Registry established by the Federal Trade Commission.

Calls are allowed in the following situations.

- For Intrastate calls, sellers or solicitors may call, if the calls are made regarding a past or present employment agreement.
- The call is in response to a referral from a person with whom the consumer has a personal relationship.
- The consumer has requested or has given permission to call.
- The call is permitted by federal law.

The Attorney General's Office will enforce the law.

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### CONSUMER (continued)

**HB2153**  
**Chapter 133**

**Long-term care insurance**

**Effective Date**

**Summary**

This law adopts the National Association of Insurance Commissioners model regulations for the sale of long-term care insurance products.

**Major Provisions**

Provides rulemaking authority to the Department of Insurance (DOI) to establish standards for:

- Eligibility,
- Renewability,
- Conditions of coverage,
- Pre-existing conditions,
- Termination and continuation of insurance,
- Limitations and exceptions, and
- Conversion and probationary periods for long-term care insurance policies.

Promotes premium adequacy and protects policyholders in case of substantial rate increases.

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**HB2186**  
**Chapter 224**

**Life insurance; annuities**

**Effective Date**

**Summary**

This law adopts National Association of Insurance Commissioners (NAIC) model regulations relating to disclosure requirements for the sale of annuities and replacement contracts or policies.

**Major Provisions**

Requires insurers to provide a summary of a policy containing specific information on:

- Current death benefit,
- Annual contract premium,
- Current cash surrender value,
- Current dividend,
- Application of current dividend, and
- Amount of outstanding loan.

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### CONSUMER (continued)

Specifies the disclosure requirements of the insurance producer.

Provides procedural requirements and duties for insurance companies replacing policies and who use insurance producers.

Updates and codifies the *Arizona Administrative Code* for replacement of life insurance policies to include:

- Annuities,
- The types of practices that violate the law, and
- Authority for the Department of Insurance to promulgate rules and levy penalties for violations.

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#### **HB2429 Chapter 137**

#### **Social security numbers; confidentiality**

##### **Effective Date**

##### **Summary**

This law places restrictions on the use of Social Security numbers (“SSN”) for confidentiality purposes.

##### **Major Provisions**

Prohibits any person or entity from intentionally:

- Making a person’s SSN available to the public;
- Placing a person’s SSN on an identification card for services or products;
- Requiring someone to transmit his or her SSN on the Internet unless it is a secure connection or the number is encrypted; and
- Printing SSNs on materials mailed to individuals, unless otherwise provided by law.

Provides a process for consumers to request entities (non-governmental) to discontinue using their SSNs in a manner prohibited by this law.

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## 2003 Legislative Summary Report

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### HEALTH

**SB1037**  
**Chapter 171**

**Retirement; ASRS**

**Effective Date**

**Summary\*\***

This law will allow the Arizona State Retirement System (ASRS) to provide payment of a health insurance premium and the temporary rural health care premium supplement to a surviving spouse or contingent annuitant--the person named by a member to receive retirement income payable following a member's death after retirement--if that person is already receiving a retirement benefit.

**Major Provisions**

Chapter 71 makes numerous changes. The following list contains only a few of the provisions found in this Act.

Reduces the amount of the member's health care premium benefit actuarially in accordance with the continuing benefit option the member chooses.

Requires the election of a continuing health care premium benefit to name the annuitant and allows the member to revoke an election at any time before the member's effective date of retirement.

Clarifies that a retired member may not name a different contingent annuitant if the member previously had rescinded the election of the optional health care benefit payment and states that a decision to rescind the optional benefit is irrevocable.

\*\*Written by House Research Staff, May 5, 2003

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**SB1179**  
**Chapter 76**

**Alzheimer's treatment demonstration**

**Effective Date**

**Summary:**

This law increases the number of Medicaid individuals that can be served in the Alzheimer's pilot project.

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### HEALTH (continued)

**Major Provisions** Laws 1994, Chapter 103, establishes the Alzheimer's disease treatment demonstration project. This law established a licensure of health care facilities that wish to provide treatment for individuals with Alzheimer's disease or other types of dementia.

Laws 1999, Chapter 313, established a pilot program to determine whether Alzheimer's assisted living facilities should be an approved setting for the Medicaid (Arizona Long Term Care System). The pilot program will also assessed whether the facilities deliver Medicaid services at a reasonable cost when compared to alternative settings that also treat individuals with Alzheimer's or other types of dementia.

This new law allows 200 individuals to participate in the Alzheimer's treatment program through December 31, 2003.

This new law allows 300 individuals to participate in the Alzheimer's treatment program from January 1, 2004 through October 1, 2005.

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**SB1308  
Chapter 184**

**Nursing care managers**

**Effective Date**

**Summary** This law makes the requirement for assisted living facility managers consistent with Arizona Department of Health Services rules.

**Major Provisions** Assisted living facility managers must provide satisfactory documentation for having completed 12 months work experience in a health related field, within the preceding five years, to qualify for a certificate as an assisted living facility manager.

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# 2003 Legislative Summary Report

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## HEALTH (continued)

### **HB2016 Chapter 214**

### **School certification and fingerprint cards**

**Effective Date** Many Sections effective October 1, 2003 (emergency measure)

**Summary** This law addresses two areas: 1) Streamlining and improving the process of fingerprinting by the Arizona Board of Fingerprinting; and 2) the certification of teachers who have not passed the United States and Arizona Constitution examination, but who have met all other, teacher or school administrator certification requirements.

**Major Provisions** Changes to fingerprint and criminal records check requirements include:

- Replaces the use of class 1 and class 2 clearance cards with a single clearance card;
- Changes the timeframes for the clearance card to be valid for six years instead of three years;
- Requires a clearance card hold to retain possession of the clearance card;
- Specifies that clearance cards are valid until normal expiration, if issued before October 1, 2003;
- Requires existing cardholders to apply for a new clearance card after the card expires;
- Changes the list of offenses that the Board may consider as a good cause exemption, if petitioned;
- Changes ranging from exempting monies in the board of fingerprinting fund from lapsing as appropriations. The Board will be allowed to establish fees to finance its operation. The Board estimates the minimum fee will be \$3, per the legislative fact sheet; and
- Allows the Board to appoint a hearing officer for determining and granting an exception;
- Outlines requirements of the hearing officer's duties;
- Requires owners of residential care institutions or home health agencies verify the status of a person's fingerprint clearance card;
- Requires a person who has been unemployed for six months or longer to submit an application with a new set of fingerprints to DPS;
- Prohibits a person required to register as a sex offender from obtaining a clearance card; and

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## 2003 Legislative Summary Report

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### HEALTH (continued)

- Removes driving under the influence violations from the list of precluding offenses, subject to a good cause exception hearing. However, precludes a person who violates DUI laws within five years from the date of application for a clearance from driving any vehicle to transport person, other than themselves, as part of their employment.

Changes to teacher certification in the following situation:

- A person applying for a teacher or school administration certificate may complete constitution knowledge requirements by taking classes (alternative to existing testing) and is eligible for a temporary certificate valid for up to 3 years (previous 1 year limit); and
- Providing for conditional teacher certificates, until a clearance card can be issued after a records check.

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#### HB2039 Chapter 1

#### AHCCCS

##### Effective Date

##### Summary:

The Arizona Health Care Cost Containment System (AHCCCS), which is the Medicaid state agency for this state, will be continued for another ten years.

##### Major Provisions

Completed a sunset review performed by the Office of the Auditor General in 2002. The Senate Health and House of Representatives Health Committee of Reference recommended that AHCCCS continue for ten years.

Extends the AHCCCS sunset date ten years to July 1, 2013, for the. Retroactive upon taking effect to July 1, 2003.

States that the legislature continued AHCCCS to promote a comprehensive health care system to eligible citizens of this state.

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## 2003 Legislative Summary Report

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### HEALTH (continued)

Serves approximately 870,430 low income Arizonans, per legislative fact.

Has an approved state general fund budget for AHCCCS for FY 2002-2003 which is approximately \$630.5 million, according to the Joint Legislative Budget Committee.

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#### **HB2349 Chapter 247**

#### **Public retiree's health insurance**

##### **Effective Date**

##### **Summary**

This law continues the premium benefit supplement for two more years (beginning June 30, 2003 through June 30, 2005) for retirees without an available health maintenance organization (HMO). The bill adds new restrictions based on geographic location, minimum monthly payments and years of service for certain retirees.

##### **Major Provisions**

Provides a premium benefit supplement until June 30, 2003 for retired members of ASRS, the Public Safety Personnel Retirement System (PSPRS), the Corrections Officers Retirement Plan (CORP) and the Elected Officials Retirement Plan (EORP), in Laws 2001, Chapter 376.

Continues the premium benefit, if a retiree meets the following provisions:

- Lives in a non-service areas where no HMO is available in counties with less than 200,000 people;
- Has ten years of credited service in ASRS or and must have has eight years of credited service in EORP to qualify or continue to receive the benefit;
- Pays a minimum monthly payment to receive the benefit which varies depending on variables outlined in the bill; and
- Establishes minimum out-of-pocket contributions that must be paid in order to receive the benefit (between \$100 and \$425, depending on Medicare eligibility and family coverage).

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## 2003 Legislative Summary Report

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### HEALTH (continued)

ASRS must submit a report by December 15, 2004 to the Legislature on its progress and success in obtaining a contract that meet the goals as outlined by the legislation.

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#### **HB2361 Chapter 116**

#### **Health professionals; crime reporting**

##### **Effective Date**

##### **Summary**

This law creates a reporting process and a civil penalty for health professionals who have been charged with misdemeanors or felonies after receiving an AZ license.

##### **Major Provisions**

Requires a health professional to notify the person's health professional's regulatory board in writing within ten working days after being charged with a misdemeanor involving conduct that may affect patient safety or a felony, after receiving or renewing a license or certificate, or an applicant for licensure.

Authorizes a regulatory board to:

- Impose a civil penalty up to one thousand dollars in addition to other disciplinary action, if the professional does not comply with the notification requirements commits an act of unprofessional conduct by the health professional's regulatory board;
  - Determine if they may deny the application of an applicant who does not comply with the notification requirements of this law, by the regulatory board; and
  - Provide an applicant or health professional with a list of misdemeanors that the applicant or health professional must report, upon request.
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# 2003 Legislative Summary Report

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## SPECIAL POPULATIONS

### Grandparents

**HB2257**                      **Grandparents; visitation rights;**  
**Chapter 89**

**Effective Date**

**Summary**                      This law clarifies when grandparents can petition for visitation.

**Major Provisions**        Permits a grandparent or great-grandparent who is seeking visitation rights of a child to file:

- In the same action in which a court determines dissolution or paternity or maternity, or
- In a separate action, if no other action has been filed or the court no longer has jurisdiction.

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### Veterans

**HB2214**                      **Veterans services department**  
**Chapter 96**

**Effective Date**

**Summary**                      This law clarifies the Department of Veterans Services authority and responsibilities in matters of deceased or incapacitated veterans, their spouses and minor children.

**Major Provisions**        The Department of Veterans Services authority as a conservator or guardian of an incapacitated veteran, spouse of a veteran or minor child of a veteran is expanded to include:

- Power of attorney,
- Trustee, or
- Custodian or representative payee.

When a court considers appointing a guardian or conservator, the Department has a higher priority of appointment than other public or private fiduciaries, if the incapacitated person is:

- A veteran,
- Spouse, or
- Minor child of a veteran.

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## SPECIAL POPULATIONS (continued)

The Department may act as the personal representative of the estate of a:

- Deceased veteran,
- Deceased spouse of a veteran, or
- Deceased child of a veteran.

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### Vulnerable Adults

#### **SB1010 Chapter 129**

#### **Medical malpractice**

#### **Effective Date**

#### **Summary**

This law amends the medical malpractice act and elder abuse act to define which health care providers are liable for actions and damages under the elder abuse statute.

#### **Major Provisions**

Provides that a medical malpractice action brought against a 1) physician, 2) Podiatrist, 3) Registered nurse, or 4) Physician assistant shall not be based on the neglect, abuse or exploitation of an incapacitated or vulnerable adult unless:

- At the time of the elder abuse, the person was employed or retained by the facility or designated by the facility to serve as medical director in:
  - A nursing care institution;
  - An assisted living center or home;
  - An adult day health care facility;
  - A residential care institution; or
  - An adult care home;
- At the time of the elder abuse, the person was a:
  - Physician licensed pursuant to title 32, chapter 13 or 17,
  - Podiatrist licensed pursuant to title 32, chapter 7,
  - A registered nurse practitioner licensed pursuant to title 32, chapter 15, or
  - A physician assistant licensed pursuant to title 32, chapter 25;**and**
- At the time of the elder abuse, the person was responsible for the medical services to the person while the person was at one of the facilities.

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### Vulnerable Adults (continued)

Decreases the time a person can bring an action under the elder abuse statute from seven years to two years, after discovery of the abuse.

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#### **HB2181 Chapter 56**

#### **Incapacitated persons; guardians**

##### **Effective Date**

##### **Summary**

This law expands the required information to be included in a petition when seeking a court guardianship for those alleged to be incapacitated.

##### **Major Provisions**

The petition must state the type of guardianship (general or limited) being requested:

- If a general guardianship is requested, the petition must state that other alternatives have been explored and why a limited guardianship is not appropriate; and
- If a limited guardianship is requested, the petition also must state what specific powers are requested.

Requires the court to encourage the development of maximum self-reliance and independence of the incapacitated person when exercising its appointment authority.

Adds a criteria for the court to consider in appointing a guardian which the person's needs can not be met by less restrictive means, including technological assistance.

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### FAILED BILLS

Bill	Title	Page
SB1032	Property tax exemption; widows	
SB1036	Retirement, ASRS health premium subsidy	
SB1083	Caregiver wages workforce development	
SB1110	Medication assistant pilot	
SB1230	AHCCCS; medically needy account	
SB1317	Health care task force	
SB1322	Law enforcement; mental health training	
SB1337	Silver haired legislature tax checkoff	
SB1353	Loans; covered; mortgage	
SCR1015	Silver haired legislature	
SCR1016	Budget stabilization proposition	
HB2029	Tech correction; Long-Term care mandates	
HB2070	Grandparents: visitation rights	
HB2204	Tobacco revenue use tracking	
HB2209	Medically needy account	
HB2327	Long-Term care: county contributions	
HB2363	Payday loan; deferred presentment	
HB2454	Aid in dying	
HCR2031	Tobacco revenues	